IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2509 of 1999

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GUJARAT STATE ROAD TRANSPORT CORPORATION - Petitioner(s)

Versus

GAMANLAL RAMUBHAI RANA - Respondent(s)

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Appearance :

MR HS MUNSHAW for Petitioner No(s).: 1.

MR MUKUL SINHA for Respondent No(s).: 1.
MR SUBRAMANIAM IYER for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 19/07/2005

ORAL JUDGMENT

1.0 The petitioner Corporation has challenged the award dated 11.11.1998 passed by the Labour Court, Surat, in

Reference LCS No.771 of 1997, whereby the petitioner was directed to reinstate the respondent with continuity of service but without any back wages and a penalty of stoppage of two increments with future effect was imposed on him.

2.0 The respondent was working as a Conductor with the petitioner Corporation. On 20.07.1996 while the respondent was on duty, the bus was checked by the checking squad of the petitioner and the squad found certain irregularities in the issuance of tickets. Therefore, charge-sheet was issued to the respondent and departmental inquiry was held. Since the charges were proved, the respondent was dismissed from service w.e.f. 08.01.1997.

2.1 Against the said order, the respondent approached the Labour Court, Surat, by way of a reference. The Labour Court, by order dated 11.11.1998, allowed the reference as aforesaid. Hence, this petition.

3.0 I have heard learned counsel for the parties and perused the documents placed on record. Having gone through the impugned award of the Labour Court, I am of

the opinion that the Labour Court was completely justified in granting reinstating with continuity in service without back wages to the respondent. However, considering the fact that approximately 34 cases of misconduct were registered against the respondent in the past, the penalty imposed by the Labour Court appears to be on the lighter side. Moreover, since the charges leveled against the respondent were also proved, the impugned order is required to be modified by enhancing the penalty imposed by the Labour Court.

4.0 In above view of the matter, this petition is partly allowed. The impugned order of the Labour Court qua granting reinstatement with continuity in service and without any back wages is confirmed; and the direction qua imposing a penalty of stoppage of two increments with future effect is substituted by imposing a penalty of stoppage of FOUR increments with future effect. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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